

consanguinity within the third degree to any clerkship, office, position, employment or duty in any department of the government of which such executive, legislative or judicial officer may be a member; or any person so related to any other such officer, in consideration of the appointment or vote for the appointment by such other officer, of any person so related to the officer making or voting for such appointment; prohibiting the payment of any such ineligible person out of any public funds, and providing for suitable punishment and removal from office for the violation of this act, and fixing venue."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

NINTH DAY.

Senate Chamber,
Austin, Texas,
Friday, January 18, 1907.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Quorum present, the following Senators answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Prayer by the Chaplain as follows:

We thank Thee, our Heavenly Father, for life and life's blessings, for the kindly surroundings that bless us today; we are grateful for the inspiration that comes to us this morning giving us hopefulness for the future. The encouragement to labor and to endure life's burdens, and to go forward in the faithful discharge of every duty. Gird us strength and wisdom for this day, forgive us for all the wrong we have committed and save us through Christ. Amen.

Pending the reading of the Journal of

yesterday, on motion of Senator Alexander, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Alexander:

Senate bill No. 81, A bill to be entitled "An Act to authorize Tuffli Brothers Pig Iron and Coke Company to sue the State."

Read first time, and referred to Committee on State Affairs.

By Senator Holsey:

Senate bill No. 82, A bill to be entitled "An Act to establish the Texas State Board of Pharmacy, and to prescribe the power and duties of said board, and to regulate the practice of pharmacy, and the licensing of pharmacists and the compounding and sale of medicines, drugs and poisons in the State of Texas, and to provide penalties for any infringement of the provisions of this act, and to repeal all laws in conflict herewith."

Read first time, and referred to Committee on Public Health.

By Senator Looney:

Senate bill No. 83, A bill to be entitled "An Act to amend Article 421, of Chapter 4, Title XVIII, of the Revised Civil Statutes of Texas, relating to the powers and duties of city councils and boards of aldermen, providing that cities and towns are authorized to manufacture and use for public purposes gas, electricity or any other fluid or substance for illuminating, heating or power producing purposes, and in connection with the operation of any such plant to sell to the inhabitants of any such city or town for commercial purposes any such gas, electricity or other fluid or substance."

Read first time, and referred to Committee on City and Town Corporations.

By Senator Green:

Senate bill No. 84, A bill to be entitled "An Act making it a misdemeanor to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances, and to empower the court to make disposition of any fine that may be imposed or recognizance forfeited, and providing for the practice and evidence in such cases."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Willacy and Green:

Senate bill No. 85, A bill to be entitled "An Act to provide for the location and

building of a State Sanitarium for the treatment of persons suffering from tuberculosis, and to make an appropriation therefor."

Read first time, and referred to Committee on Finance.

Morning call concluded.

SENATE BILL NO. 12.

The Chair laid before the Senate, regular order, and on second reading,

Senate bill No. 12, A bill to be entitled "An Act to amend Title XVIII, Chapter 3, of the Revised Civil Statutes of the State of Texas by adding thereto Article 400a, pertaining to the appointment of policemen in cities and towns, and requiring them to take an oath of office and make a good and sufficient bond, and declaring an emergency."

On motion of Senator Harper, the committee report, which carried an amendment, was adopted.

Here Senator Harper moved that the bill lie on the President's table subject to call, and

The motion was adopted.

SENATE BILL NO. 13.

The Chair laid before the Senate, on second reading, regular order,

Senate bill No. 13, A bill to be entitled "An Act regulating the granting of divorce by annulling marriage, dissolving the bonds of matrimony, the practice in relation to the trial of divorce suits; prescribing penalties for the violation thereof, and with an emergency clause."

Senator Smith offered the following amendment, which was read and adopted:

Amend the bill by inserting therein, to be numbered as Section 3, the following:

"Section 3. In all nisi judgments or decrees annulling or dissolving marriage and awarding the custody of minor children it shall be recited therein that between the parties to the suit the marriage is annulled or the bonds of matrimony are dissolved, and where application therefor is made and custody of minor children awarded it shall also be recited to whom such custody is awarded, and further, that such judgment may become final at any time after one year from the date thereof unless for cause shown the court should otherwise order. In case alimony is granted pending the suit, the same may during such suit be modified, changed or set aside as the court may direct."

And that the numbers of the remaining

sections of the bill be so changed as to conform thereto.

Senator Smith offered the following amendment:

Amend the caption by inserting after the word "matrimony" the following: "Granting alimony, awarding custody of minor children."

The amendment was read and adopted.

Senator Terrell moved that the bill be considered by sections, and the motion was adopted.

Section 1 of the bill was read and

Senator Terrell offered the following amendment thereto:

Amend Section 1 by striking out all of said section beginning with the first word "in" on line 13.

Senator Glasscock moved that the bill and pending amendment be postponed till next Wednesday morning, and made a special order at the conclusion of the morning call.

The motion was adopted.

SENATE BILL NO. 12.

Here Senator Stone asked that Senate bill No. 12, which had been laid on the table subject to call, be considered (see caption with former proceedings).

The Chair laid the bill before the Senate and

Senator Griggs offered the following amendment:

Amend the bill by adding at the end of line 26 the following: "Provided further that special policemen and detectives employed for special occasions may or may not be relieved from entering into the bond herein otherwise required, as in the judgment of the city authorities shall be deemed proper and expedient."

The amendment was read and adopted.

Senator Senter offered the following amendment:

Amend by adding at the end of Article 400a, line 26, the words "provided, that suit upon the bond herein provided for may be instituted only by the county attorney, or under his authority, and for the benefit of the State."

Senator Stone moved to table the amendment.

The motion prevailed by the following vote:

Yeas—18.

Alexander.	Harbison.
Barrett.	Harper.
Brachfield.	Kellie.
Chambers.	Looney.
Faust.	Murray.
Green.	Paulus.

Smith.	Veale.
Stone.	Watson.
Terrell.	Willacy.

Nays—11.

Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	Senter.
Holsey.	Skinner.
Hudspeth.	Stokes.

Absent.

Grinnan.

Senator Meachum offered the following amendment:

Amend the bill by adding after the word "law," in line 26, and prior to amendment 1, the following: "said bond shall not be void on the first recovery, but may be sued on from time to time in the name of any person injured until the whole amount thereof is recovered."

GREEN.
MEACHUM.
GLASSCOCK.

Bill read second time and ordered engrossed.

On motion of Senator Stone the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Harbison.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Nays—1.

Senter.

Absent.

Grinnan.

The bill was read third time, and passed by the following vote:

Yeas—27.

Alexander.	Glasscock.
Barrett.	Green.
Brachfield.	Greer.
Chambers.	Griggs.
Faust.	Harbison.

Harper.	Skinner.
Holsey.	Smith.
Hudspeth.	Stokes.
Kellie.	Stone.
Looney.	Terrell.
Mayfield.	Veale.
Meachum.	Watson.
Murray.	Willacy.
Paulus.	

Nays—2.

Masterson.

Senter.

Absent.

Grinnan.

Senator Stone moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 19.

The Chair laid before the Senate, on its second reading, regular order,

Senate bill No. 19, A bill to be entitled "An Act providing additional procedure by which testimony may be taken in suits brought by the Attorney General, or under his direction, to enforce the laws of this State against trusts, monopolies and conspiracies against trade or suits to enforce laws regulating and controlling organizations; providing for the appointment of a special commissioner to take testimony within or without the State, and providing that judgment by default shall be rendered against any defendant in such action who fails to comply with the provisions of this act."

Senator Looney, author of the bill, moved that the bill lie on the table subject to call, and

The motion was adopted.

SENATE BILL NO. 21.

The Chair laid before the Senate, on its second reading, regular order,

Senate bill No. 21, A bill to be entitled "An Act to amend Article 1442 of Title XXX, Chapter 20, of the Revised Civil Statutes of Texas, pertaining to giving security for costs."

Senator Looney offered the following amendment:

Amend the bill by striking out the words "or otherwise" in line 19.

The amendment was adopted by the following vote:

Yeas—19.

Alexander.	Harbison.
Brachfield.	Harper.
Chambers.	Holsey.
Griggs.	Hudspeth.

Kellie.	Smith.
Looney.	Stokes.
Masterson.	Terrell.
Meachum.	Watson.
Paulus.	Willacy.
Senter.	

Nays—8.

Barrett.	Grinnan.
Faust.	Mayfield.
Glasscock.	Stone.
Greer.	Veale.

Present—Not Voting.

Green.

Absent.

Murray. Skinner.

Senator Looney offered the following amendment:

Amend the bill by adding thereto the following: "Provided, that any party may deposit with the clerk or justice of the peace from time to time sufficient cash to cover the amount of costs as it may accrue in lieu of cost bonds."

Senator Smith offered the following substitute for the amendment:

"Or in lieu of such bond the party required to give the same may deposit with the clerk of the court or with the justice of the peace such amount of money as the court or justice of the peace from time to time may designate as sufficient to pay the costs that have accrued."

The substitute was adopted, and

The amendment as substituted was adopted.

Senator Alexander offered the following amendment:

Amend by adding after the word "contest," line 22, the following words: "Provided, that notice of such contest shall be given and noted on the docket at the term of the court at which the affidavit of inability to give security is filed."

Senator Senter offered the following substitute for the amendment:

Amend by striking out lines 21 and 22, and by adding at the end of line 20 the words "Provided, that such contest shall be filed and a hearing thereon had by the court or justice of the peace before the cause is called for trial, and such contest shall never be resorted to for the purpose of delaying the trial of the cause."

The substitute was lost by the following vote:

Yeas—9.

Faust.	Mayfield.
Greer.	Senter.
Griggs.	Stokes.
Looney.	Terrell.
Masterson.	

Nays—17.

Alexander.	Holsey.
Barrett.	Kellie.
Brachfield.	Meachum.
Chambers.	Paulus.
Glasscock.	Smith.
Green.	Stone.
Grinnan.	Veale.
Harbison.	Willacy.
Harper.	

Absent.

Hudspeth.	Skinner.
Murray.	Watson.

The amendment by Senator Alexander was then adopted.

Senator Terrell offered the following amendment:

Amend the bill by adding the following: "Provided, that if the justice of the peace before whom any cause is pending, or the constable of such court, shall contest such affidavit, said justice of the peace shall notify the county judge of such contest, and the county judge, after receiving such notice, shall set a day and notify the parties thereto, and shall at once try said contest and shall certify to said justice of the peace his judgment thereon, which shall be final."

The amendment was lost.

Senator Senter offered the following amendment, which was adopted:

Amend by striking out lines 21 and 22 and substituting therefor the words "Provided that said contest may be tried before the trial of the cause at such time as may be designated by the court."

Senator Terrell moved to recommit the bill to Judiciary Committee No. 1.

On motion of Senator Stone the motion to recommit was tabled.

The bill was read second time and ordered engrossed.

ADDITION TO COMMITTEE.

The Chair announced that Senator Meachum had been added as a member of the Committee on Internal Improvements.

ADJOURNMENT.

On motion of Senator Smith, the Senate adjourned till Monday morning at 10 o'clock.

APPENDIX.

Committee Room,
Austin, Texas, January 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

Senate bill No. 80, A bill to be entitled "An Act creating the Blossom Independent School District, in Lamar county, Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that same be not printed.

BARRETT, Chairman.

TENTH DAY.

Senate Chamber,
Austin, Texas,
Monday, January 21, 1907.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Senter.
Griggs.	Skinner.
Grinnan.	Smith.
Harbison.	Stone.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Faust. Stokes.

Prayer by Chaplain, as follows:

O Lord, our kind heavenly Father, we rejoice at this beautiful bright day. We thank Thee for the hope that it inspires in us; for the promises of Thy word. May Thy grace come to us this morning and give us an uplift toward that we may seek in all things to honor Thy name by doing those things which are pleasing in Thy sight. Help us to be faithful in whatever we attempt during the business of this day, that all of our words and actions may be for the advancement of Thy kingdom. Forgive our sins and smile graciously upon us for Christ's sake. Amen.

Pending the reading of the Journal of yesterday, on motion of Senator Terrell, the same was dispensed with.

(See Appendix for committee reports and petitions and memorials.)

BILL ORDERED PRINTED IN JOURNAL.

Austin, Texas, January 21, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

Senate bill No. 55, A bill to be entitled "An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts, etc.,"

Beg leave to report back to the Senate that this bill be printed in the Journal in order that the members of this body may familiarize themselves with the contents of same.

BRACHFIELD, Chairman.

On motion of Senator Brachfield, the above report was adopted, and the bill is as follows:

S. B. No. 55. By Griggs, Masterson.

A BILL

To be Entitled

An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts, to construct canals, drains and ditches, to make levees, improve streams and water courses, and make other improvements for the purpose of drainage; to order and hold elections for the purpose of voting on drainage propositions and authorizing the issuance of bonds and levy of tax, and to issue bonds in payment for such drainage improvements and the maintenance thereof, and to levy and to collect taxes for the payment of such bonds, the appointing of drainage commissioners and all other necessary officers of such drainage districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such drainage districts, and authorizing the drainage commissioners to acquire by purchase, gift or grant, for such district, title to any right-of-way and other property, and generally authorizing the county commissioners court and the drainage commissioners to do all things necessary for the establishing